

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6511

BILL NUMBER: SB 218

DATE PREPARED: Feb 8, 2001

BILL AMENDED: Feb 8, 2001

SUBJECT: Collection, Possession, and Use of DNA.

FISCAL ANALYST: Kathy Norris

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that an individual owns the individual's DNA. The bill requires a person who collects a sample to obtain an individual's DNA for the purpose of isolating, possessing, or using the DNA to provide certain information and obtain consent for the isolation, possession, or use of the DNA. The bill requires a person to obtain written consent from an individual before using the individual's DNA for a specific purpose. The bill also requires the State Department of Health to develop and make available a consent form for use by persons collecting samples to obtain DNA in order to isolate, possess, or use the DNA. The bill makes certain exceptions.

Effective Date: Upon passage; July 1, 2001.

Explanation of State Expenditures: The State Department of Health estimates that it will be able to absorb the additional costs associated with the provisions of the bill.

Explanation of State Revenues: *Penalty Provision:* The bill establishes a Class A misdemeanor for a person who knowingly collects DNA without consent or who otherwise violates the bill's provisions related to the collection and use of DNA. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict

is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: State Department of Health.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Norma Selby, Legislative Liaison, SDOH, (317)-233-7573.